REPORT - PLANNING COMMISSION MEETING
March 10, 2005

Project Name and Number: **Greenbriar Homes Communities – Deer Road (PLN2005-00188)**

Applicant: City of Fremont

Proposal: To review and provide comment on a conceptual grading design for the development of single-family homes on a 4+/- acre site off of Deer Road. In general, the proposal involves utilization of flat building pads instead of split pads in a Single Family Residential (R-1-6) Hillside Combining Area (H-I) and Open Space (OS) District zoning districts.

Recommended Action: Provide comment and recommendation to City Council.

Location: East end of Deer Road

Assessor Parcel Number(s): 507 0676 004 00

Area: 4.28 acres

Owners: Alameda County Water District (ACWD)

Agent of Applicant: Greenbriar Homes Communities

Consultant(s): Ruggieri Jensen Azar & Associates, Engineers

Environmental Review: The California Environmental Quality Act (CEQA) review has not been performed at this time, as this is a Preliminary Review Process to request comment and direction on grading design issues. A CEQA evaluation will be prepared when the applicant submits a formal application for processing of the subdivision.

Existing General Plan: Low Density Residential (5 – 7 du/ac)/Hill Face Open Space

Existing Zoning: Single-family residential (R-1-6)/Hillside Combining District (H-I); Open Space District (OS)

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. A total of 115 notices were mailed to owners and occupants of property within 300 feet of the Alameda County Water District and San Francisco Public Utilities sites. The notices to owners and occupants were mailed on February 25, 2005. A Public Hearing Notice was delivered to The Argus on February 24, 2005 to be published by February 24, 2005.

In addition, 22 notices were mailed as a courtesy to interested parties.

Executive Summary: The project site is an undeveloped 4.28-acre parcel at the eastern terminus of Deer Road. The property is owned by the Alameda County Water District (ACWD) and is primarily located within the Hill Area and the Single-Family Residential (R-1-6) / Hillside Combining District (H-I), with a small area of the site in the Open Space District (O-S). The Hill Area Development Policy encourages the retention of natural topographic features, such as slopes. The development standards of the Hillside Combining District require that project structures and grading be designed to fit the land, instead of modifying the land to fit the structure. This has typically required the use of split building pads.

Greenbriar Homes Communities, the applicant, has submitted a Preliminary Review Procedure (PRP) application requesting comments and direction for an 11-lot residential subdivision on the ACWD parcel that includes a flat pad grading design instead of split pad design. The applicant feels that the flat building pads will impact the community less significantly than designing the site to incorporate split building pads, and will be making a presentation at the Planning Commission hearing to request comments and direction on this issue.

Note: The only issue for consideration and comment at this time is the applicant's building pad grading proposal. Any subsequent proposed development of the site will require environmental analysis, as well as public hearings before the Planning Commission (and possibly City Council) about the design, location and size of homes, interface between the new development and existing residents, as well as access, traffic, and other land use issues. No final decision regarding any proposed project at this site will occur at this public hearing.

Background and previous actions: The site is located within the Hillside Combining District and the Hill Area Planning Area. In 1967, the City Council adopted the Development Policy for Hill Area, which established Objectives, Principles and Architectural and Site Design Standards that serve to guide the development for all lands located within the Hill Area. This Policy has been amended on subsequent occasions in response to the Hillside Initiative of 1981(Measure A) and related General Plan updates. The Policy objectives encourage the maximum retention of natural topographic features and that dwelling units be designed and sited to create the least disturbance to the natural landscape. The Architectural and Site Design Standards state that:

> "Buildings should be planned to minimize any grading outside the building's foundation and driveway. The building should fit the site's topography, not vice versa. 'Fitting the site's topography' means that the building mass and rooflines reflect the slope of the land, stepping the grade."

The Hillside Combining District development standards implement and complement the Development Policy for the Hill Area and further emphasize the requirement that the structures should be designed to "fit the land, instead of modifying the land to fit the structure." The ACWD property is: (a) within the Hill Area subject to Hillside regulations; (b) within the Measure A defined Hill Area; and (c) partially within the Hill Area as defined by the Hill Area Initiative of 2002 (Measure T), as an area in the south east portion of the site falls above the Toe of the Hill line.

Project Description: In September 2004, Greenbriar Homes Communities submitted an Environmental Impact Assessment application that included a conceptual grading plan for the development of an 11-lot subdivision on the ACWD site. Staff advised the applicant that the proposed flat pad design was in conflict with the Objectives and Architectural and Site Design Standards of the Development Policy for the Hill Area, as well as the Hillside Combining District development standards which implement Measure A, as stated above.

Greenbriar Homes Communities has also indicated that it is in negotiations with the San Francisco Public Utilities Commission (SFPUC) to develop the approximately 7-acre SFPUC property to the west of the ACWD property with single-family homes, but no proposal for that area has been formally submitted to the City for consideration.

The applicant has subsequently submitted a Preliminary Review Procedure for review and comment from the Planning Commission and City Council on their proposal. The proposed 11-lot residential subdivision would be served by a new cul-de-sac street, which extends south from Deer Road. The applicant prefers a flat pad grading design for the subdivision, and has submitted conceptual grading plans for flat building pad and split building pad alternatives, and grading quantity estimates for both alternatives. The applicant will be making a presentation at the Planning Commission hearing regarding this proposal. No formal action is required for this request; however, the Planning Commission is requested to provide recommendations regarding this request.

Analysis: Hill Area Development Policy / Hillside Combining Direct Standards / Measure A

Topography & Grading**:** The project site is an undeveloped 4.28-acre parcel with approximately 30 feet of street frontage at the eastern terminus of Deer Road. The site is moderately to steeply sloped with existing ground elevations that vary between approximately 188 feet, at the end of Deer Road, up to 230 feet along the eastern boundary. Ground slopes

gradually increase from west to east, up the hill. The parcel is sloped approximately 12% along the western boundary and sloped approximately 25% along the eastern boundary

Site Plan Alternative A is the applicant's preferred design that proposes grading flat building pads. The applicant provided Site Plan Alternative B to show how grading for the same 11-lot subdivision would differ if split (or stepped) pads were graded for Lots 3 through 10. The new cul-de-sac street and Lots 1, 2, and 11 are unchanged in either site plan A or B.

Hill Area Subdivision Design Alternatives: There are several methods for developing a residential subdivision in hill areas or on sloping land. The applicant is proposing one method (Alternative A), which is to grade flat pads into the existing sloped lands. The flat pads would then facilitate the construction of typical flat pad houses, with slab-on-grade foundations. The homes could be designed with constant finished floor elevations at each level of the house. If the grading extends behind the home, the flat pad may also result in flat yards that accommodate lawns, patios, swimming pools, and sports courts.

Another method (Alternative B) grades each lot with multiple pads, which are at different elevations (split). Alternative B proposes one ten-foot split in the building pads for lots 3 through 10. However there are other split pad options, such as using a ½-story split (four to six feet). The typical houses constructed on split pads will have internal stairs to get between the varying finished floor elevations created by the split(s). Depending upon the amount of yard areas graded with the split pads, the houses may include flat lawns, patios, swimming pools, and sports courts.

Flat Pad Lots vs. Split Pad Lots: Grading Analysis: In order to develop flat pad homes (Alternative A), the applicant is proposing a grading concept which includes cut, fill, retaining walls, and yard slopes graded to a maximum of three horizontal to one vertical (3:1), or thirty-three percent (33%). In lots 3 through 10, Alternative A includes two retaining walls separated by 10 feet from one another and another retaining wall further uphill.

In order to develop split pad homes (Alternative B), the applicant is proposing a grading concept which includes cut, fill, retaining walls, and yard slopes graded to a maximum of three horizontal to one vertical (3:1), or thirty-three percent (33%), with a ten-foot split in the building pads for lots 3 through 10. A ten-foot split would accommodate a home design where the second floor at the lower pad could become the first floor, or be at-grade, at the upper pad. Alternative B includes only 1 rear-yard retaining wall along the east side of the pad in lots 3 through 10.

Retaining Walls: Retaining walls are common in hill area development and have been used throughout Fremont. The hill area polices and ordinances include standards for retaining walls. The Hillside Combining ordinance states that "the use of successive retaining walls for building pads shall not result in grading in excess of four feet at the building."

On lots 3 through 10, Alternative A proposes successive retaining walls in the rear yard behind the building pads. This design results in homes with back yard views of slopes and three retaining walls that measure up to 29 feet in total height above the back yard pad (total height = wall heights + slope heights). In contrast, the Alternative B design results in homes with back yard views of a slope and one retaining wall that measures up to 20 feet in total height above the back yard pad. Additionally, the usable (flat) rear yard depth behind the houses is approximately 10 feet less in Alternative A versus Alternative B.

Comparative Analysis Table: The following tables compare the flat pad and split pad concepts submitted by the applicant. The first table is organized lot-by-lot, with information for each lot related to the proposed grading, retaining walls, back yard area, and height of slope behind the home. The second table is a summary of the estimated grading the entire subdivision in Alternative A and Alternative B.

In Alternative A (flat pads), the slope height is measured from the pad elevation to the top of the highest retaining wall on the lot. In Alternative B (split pads), the slope height is measured from the rear yard pad elevation to the elevation of the man-made slope. The intent of this measurement is to illustrate what the homeowner will view when looking east from the back yard. It is important to note that in both Alternatives the existing hillside slope continues beyond the man-made changes.

Comparison of Site Plan Alternative A – Flat Building Pads and Site Plan Alternative B – 10-foot Split Building Pads

Alt	Lot	Max. Cut (feet)	Max. Fill (feet)	Retaining Walls	Max. Difference Between Adjacent Building Pad	Back Yard[1] – Average Depth of Flat Area (feet)*	Back Yard – Height of Slope Including Retaining Walls (feet)
A	1	3	5	Wall along each side yard	3 feet higher than Lot 2	20	N/A
B	1	3	5	Wall along each side yard	3 feet higher than Lot 2	20	N/A
A	2	0	8	Wall along each side yard	3 feet lower than Lot 1 8 feet higher than Lot 3	20	N/A
B	2	0	8	Wall along each side yard	3 feet lower than Lot 1 8 feet higher than Lot 3	20	N/A
A	3	14	6	Wall on north and east side of pad	8 feet lower than Lot 2	20	28
B	3	7	2	Wall on north side of lower pad and on east side of higher pad	8 feet lower than Lot 2	35	19
A	4	14	0	Successive walls at rear of pad	Insignificant	17	28
B	4	6.5	0	Wall at rear of upper pad	Insignificant	27	19
A	5	14.5	0	Successive walls at rear of pad	Insignificant	14	29
B	5	7	0	Wall at rear of upper pad	Insignificant	24	20
A	6	14	1.3	Successive walls at rear of pad	Insignificant	19	29
B	6	6.7	2.3	Wall at rear of upper pad	Insignificant	30	20
A	7	13.5	2	Successive walls at rear of pad	Insignificant	30	29
B	7	6	3	Wall at rear of upper pad	Insignificant	40	20

Comparison of Site Plan Alternative A – Flat Building Pads and Site Plan Alternative B – 10-foot Split Building Pads							
Alt	**Lot**	**Max. Cut (feet)**	**Max. Fill (feet)**	**Retaining Walls**	**Max. Difference Between Adjacent Building Pad**	**Back Yard[1] – Average Depth of Flat Area (feet)***	**Back Yard – Height of Slope Including Retaining Walls (feet)**
A	8	13	2	Successive walls at rear of pad	Insignificant	15	29
B	8	5	2	Wall at rear of upper pad	Insignificant	25	20
A	9	11	2	Successive walls at rear of pad	Insignificant	10	19
B	9	3	2	Wall at rear of upper pad	Insignificant	20	10
A	10	9.5	5.5	Successive walls at rear of pad and wall along side yard	2.5 feet higher than Lot 11	20	18
B	10	2	7	Wall at rear of upper pad	2.5 feet higher than Lot 11	32	9
A	11	2	6	Wall on east side of pad	2.5 feet lower than Lot 10	36	N/A
B	11	2	6	Wall on east side of pad	2.5 feet lower than Lot 10	36	N/A

1. The back yard depth was estimated based upon the average of the schematic houses shown in the applicant's Site Sections. Staff applied this average to each of the 11 lots. Alternative home sizes and designs may result in different values for back yard depth.

Grading Quantity Estimates (cubic yards)

	Alternative A – Flat Pads	**Alternative B – Split Pads**
Cut	13,000	6,000
Fill	7,500	7,500
Import	0	1,500
Export	5,500	0
Total	20,500	13,500

A different grading alternative, not presented with this Preliminary Review Procedure, is to minimize grading beyond what is needed to construct the street. The property would be subdivided with sloped lots, with grades that closely match the existing topography. The lots could then either be sold as custom home lots to be developed by the homeowner, or the developer could construct custom or semi-custom houses. Grading for each home would be reviewed as part of the building permit.

The applicant has submitted a letter (Statement of Purpose) stating that Alternative A would result in a "balanced" site because the anticipated 5,500 cubic yards of export would be used to fill the existing underground water storage facility on

the SFPUC site. The applicant further states that Alternative A is a preferred alternative because Alternative B would require an importing of 6,500 cubic yards (to fill the underground storage facility). The applicant has not submitted information on estimated volumes of cut and fill (based on similar type of grading design alternatives) for the development of lots on the San Francisco Public Utilities Commission (SFPUC) site, which would allow for a comparison of the ultimate cut and fill volumes for both sites. (As noted above, the applicant has not submitted any formal proposal to the City for the SFPUC site.) The grading proposal could also be applicable to potential development on the adjacent 7-acre SFPUC site, which the SFPUC plans to sell. However, the grading design for that site may vary from the grading design of the ACWD site based on topography and building design, and will be reviewed when plans are submitted for the development of that site.

Building Height: The applicant states in its Statement of Purpose that the flat pad Alternative A will result in a maximum building height of ten feet less than with the stepped pad Alternative B. While buildings developed pursuant to Alternative B would appear ten feet higher as perceived from a distance, the building in Alternative B would be designed to step with the land, paralleling the slope, which generally reduces the bulk of the structure. Both the Development Policy for the Hill Area and the Hillside Combining (H-I) District limit the height of buildings to 30 ft. Thus, height is not an issue, provided that the proposed building's height is within the established height limits. Rather, it is more important that the structure be designed to reduce building mass, and to be compatible with the surrounding environment.

Measure T:
Toe of the Hill: The ACWD property is partially within the Hill Area as defined by City staff's proposed Toe of the Hill line. The Toe of the Hill, as defined by Measure T, is "*a line along the base of the hills, where the natural grade first becomes twenty percent (20%) or more…*". The applicant's engineer has shown a Toe-of-Hill line, which differs from City staff's recommendation, on both Site Plan Alternative A and Site Plan Alternative B. According the to the applicant's engineer, the line was determined by measuring the slope between ten-foot elevation contour intervals.

Staff feels that the topographic survey data available allows the slope analysis to be done at more precise five-foot elevation contours. Staff's analysis of the topography resulted in a Toe of the Hill that is: lower on lot 1(at approximately the 210-foot contour); higher on lots 3 through 7 (at approximately the 230-foot contour); and lower on lots 8 through 10 (at approximately the 210-foot contour). Although the purpose of this Preliminary Review Procedure is *not* to determine the location of the Toe of the Hill line, the final location may impact the type of grading that allowed above the Toe of the Hill line. The refinements to the Toe of the Hill line will occur at a later date in subsequent Planning applications for this site.

Environmental Analysis: This is a Preliminary Review Procedure (PRP) application for comment and direction on the applicant's proposed grading plan only. Therefore, CEQA review is not applicable. The project will be subject to full CEQA review when the applicant submits a tentative map application for formal review of the subdivision.

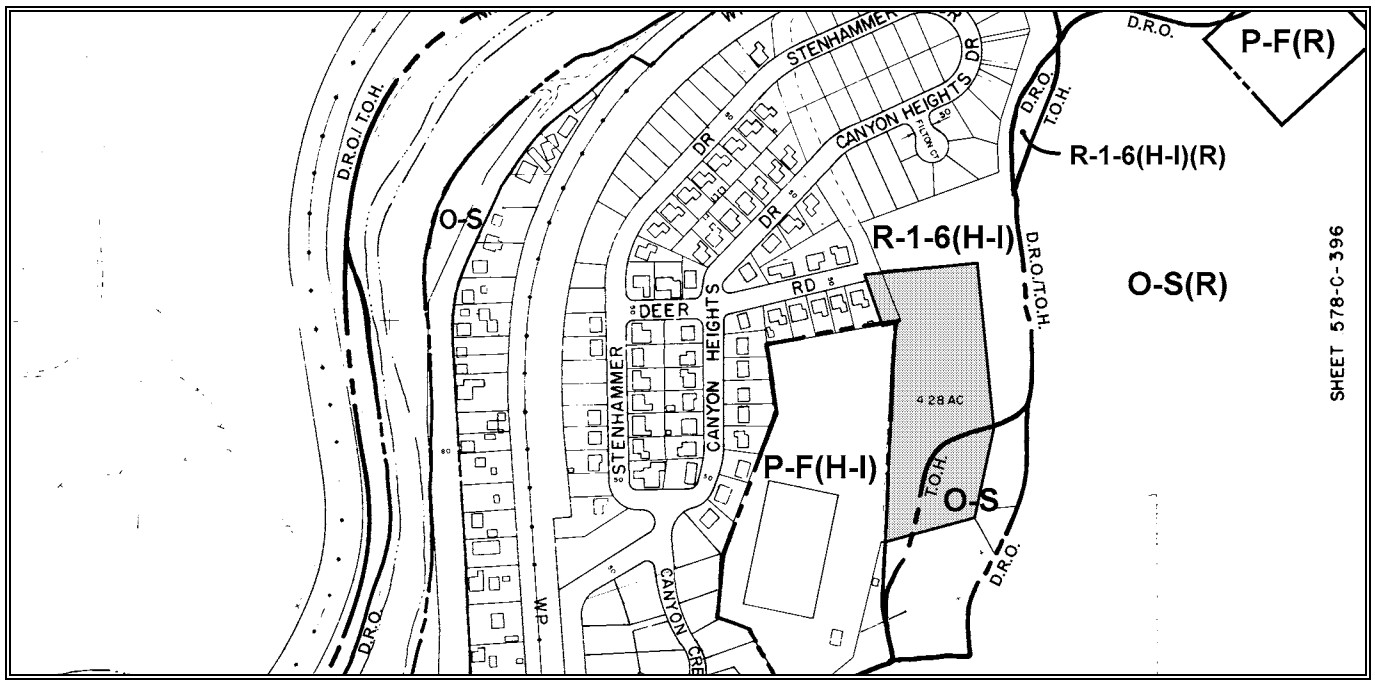
Enclosures: Aerial Map of Vicinity
Plan Set – Proposed Grading Alternatives A and B
Statement of Purpose Letter from Greenbriar Homes Communities
Development Policy for Hill Area
Article 18.2. (H-I) Hillside Combining District

Recommended Actions:

1. Hold public hearing.

2. Recommend that the City continue with the practice of requiring grading design to minimize disturbances to the natural terrain through the use of split pads and/or custom lots where homes are designed to conform to existing natural terrain in conformance with the standards for development established under Measure A (Hillside Initiative of 1981) and implemented through the City's Hillside Combing District and Hill Area Development Policy.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan